



Entered on Docket
January 04, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:)
)
USA COMMERCIAL MORTGAGE)
COMPANY,)
)
USA CAPITAL REALTY ADVISORS,)
LLC,)
)
USA CAPITAL DIVERSIFIED TRUST)
DEED FUND, LLC,)
)
USA CAPITAL FIRST TRUST DEED)
FUND, LLC,)
)
USA SECURITIES, LLC,)
Debtors.)

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: December 20, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING THIRD OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-00651
FILED BY THE HANDLIN FAMILY TRUST 4/16/04**

The USACM Liquidating Trust (the "USACM Trust") filed its Third Omnibus Objection to Claims for Lack of Documentation [DE 5361] (the "Objection") on November 19, 2007. Appropriate notice of the Objection was given. A Response to the Objection was raised as follows:

- On December 4, 2007, the Handlin Family Trust 4/16/04 provided documentation supporting Proof of Claim No. 10725-00651. Upon being provided documentation, the USACM Trust withdrew the Objection on December 19, 2007 [DE 5507]. Accordingly, that claim is not included in Exhibit A attached and is not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Third Omnibus Objection to Claims for Lack of Documentation except to the extent the USACM Trust has withdrawn that objection; and

- Disallowing the Proofs of Claim listed on the attached Exhibit A without prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a particular loan.

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1 PREPARED AND SUBMITTED:

2 LEWIS AND ROCA LLP

3 By: /s/ RC (#0006593)

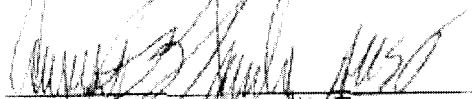
4 Susan M. Freeman

4 Rob Charles

5 *Attorneys for USACM Liquidating Trust*

5 APPROVED:

6 OFFICE OF THE U.S. TRUSTEE

7 

8 August B. Landis, Esq.

9 Scott A. Farrow, Esq.

10 300 Las Vegas Boulevard, Suite 4300

10 Las Vegas, NV 89101

11
12 In accordance with Local Rule 9021, the undersigned certifies:

13 ☐ The Court waived the requirements of LR 9021.

14 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
15 parties who have appeared at the hearing regarding this matter and/or who filed
15 a written objection and each has:

16 ☒ approved the form of this order;

17 ☐ waived the right to review the order;

18 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or

19 ☐ failed to sign and return this proposed order within five (5) business days
20 in accordance with LR 9021(b).

21 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
22 parties who appeared at the hearing regarding this matter and/or who filed a
23 written objection and all have either approved the form of this order, waived the
24 right to review the order, failed to file and serve papers in accordance with LR
25 9021(c) and the following have disapproved the form of the order.

26 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

25 LEWIS AND ROCA LLP

26 By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

**ORDER SUSTAINING THIRD OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
McMahon, Gary 26005 East Flamingo Road Las Vegas, Nevada 89121	10725-00597	10/16/06	\$55,000.00
Kiel, Ronald 700 Marker Lane Lovelock, Nevada 89419	10725-00605	10/16/06	\$50,000.00
Kiel, Ronald 700 Marker Lane Lovelock, Nevada 89419	10725-00606	10/16/06	\$50,000.00
Milton Kaplan PSP DTD 10/1/77 c/o Milton P. Kaplan MD, Trustee 18370 Burbank Boulevard, Suite 501 Tarzana, California 91356-2836	10725-00642	10/19/06	\$12,952.80
da Costa, Laurence A. & Sylvia J. 1172 Del Mesa Court Minden, Nevada 89423-7816	10725-00652	10/23/06	\$51,339.00
Kreykes, Ronald & Linda 4928 Wind Hill Court W Fort Worth, Texas 76179-6410	10725-00654	10/23/06	Amount Not Stated
John D. Mulkey 1998 Irrevocable Trust c/o David Mulkey, Trustee 2860 Augusta Drive Las Vegas, Nevada 89109-1549	10725-00695	10/23/06	Amount Not Stated
Scholem, Frederick 9917 Whalens Landing Court Las Vegas, Nevada 89117	10725-00714	10/24/06	\$30,000.00
McAllister, Marlin 2670 Marvin Trail Redding, California 96001	10725-00741	10/26/06	\$20,000.00

EXHIBIT A